

COMMON COUNCIL



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I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 12th day of November 2015 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 10th day of November 2015.

AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 7, 8, 9, 10, 11, 12, 13, AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY, DISTILLERY, MICRODISTILLERY, MICROBREWERY, NANOBREWERY, TASTING ROOM AND WINERY, PARKING REQUIREMENTS, AND USE STANDARDS. (The Amendment Creates Additional Definitions, Use Allowances, Parking Requirements, and Operational Standards for Breweries, Distilleries, Wineries and Related Uses). TA-15-441

Draft 2 - (10/20/15)

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

ARTICLE 1

DEFINITIONS

SECTION 1-2. DEFINITIONS.

1-2-12.1 **BREWERY:** The land and buildings containing an industrial use which typically brews and produces over 10,000 barrels per year of ales, beers (as defined within §4.1-100, Code of Virginia, as amended), and/or similar beverages on site for sale and distribution. A brewery may not be established or operated in any residential dwelling unit. Such facilities may include a tasting room or retail space to sell the products to patrons on site.

1-2-28.3 **DISTILLERY** - A facility that typically produces more than 5,000 gallons per year of distilled alcoholic beverages or spirits (as defined within §4.1-100, Code of Virginia, as amended) and may include the intake of grains, fruits, sugars or other products, their fermentation, distilling, aging, and bottling. Products may include

- liquors, liqueurs, brandies, etc. Such facilities may include a tasting room or retail space to sell the products to patrons on site.
- 1-2-64.1** MICRODISTILLERY - A distillery, as defined in Section 1-2-83, where production does not exceed 5,000 gallons per year, generally referred to as a craft, boutique or artisan distillery. Such facilities may include an on-site tasting room or retail space to sell the products to patrons on site.
- 1-2-64.2** MICROBREWERY - A brewery, as defined in Section 1-2-12.1, which produces more than 500 but less than 10,000 barrels of beer per year. Such facilities may include a tasting room or retail space to sell the products to patrons on site.
- 1-2-67.2** NANOBREWERY - A brewery, as defined in Section 1-2-12.1, wherein up to 500 barrels of beer is manufactured and packaged per year. Such facilities may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption. No bottling or canning shall be performed on site.
- 1-2-91.1** TASTING ROOM - Any place or premise licensed by Virginia Alcohol Beverage Control and operated by an alcohol beverage manufacturer wherein alcoholic drinks are provided to customers to sample on-site. Such facilities may or may not include an option for customers to purchase containers of alcohol for off-site consumption.
- 1-2-94.3** WINERY - A facility where wine, as defined in Section 4.1-100 of the Code of Virginia, is manufactured and packaged. Such facilities may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption.

ARTICLE 7

RESIDENTIAL BUSINESS DISTRICT - RB-1

SECTION 7-2. USES REQUIRING A CONDITIONAL USE PERMIT.

- 7-2-25** Microdistilleries or nanobreweries no larger than 2,000 gross square feet.

ARTICLE 8

HIGHWAY COMMERCIAL DISTRICT - B-2

SECTION 8-1. USE REGULATIONS.

- 8-1-53** Microdistillery, microbrewery, nanobrewery, or winery.

ARTICLE 9

CENTRAL BUSINESS DISTRICT - B-1

SECTION 9-1. USE REGULATIONS.

9-1-46 **Microdistillery, microbrewery, nanobrewery, or winery.**

ARTICLE 10

COMMERCIAL INDUSTRIAL DISTRICT - CM-1

SECTION 10-1. USE REGULATIONS

10-1-13 Industrial uses. (1/14/03, Case TA-02-10, Ord. No. 003-2003; 6/12/07, Case TA-07-01, Ord. No. 2007-19)

- a. Distributing plants, parcel delivery, ice and cold storage plant, and food commissary, and bakery or catering establishment, ~~and~~ brewery.
- b. Carpenter or cabinet shop.
- c. Contractors' equipment storage yards or plants, or rental equipment commonly used by contractors.
- d. Laundry, cleaning, and dyeing works, and carpet and rug cleaning.
- e. Machinery sales and service.
- f. Machine shop, metal fabrication shop, or welding shop, excluding punch press and drop hammers exceeding forty (40) ton rated capacity.
- g. Monumental stone works.
- h. Plant nurseries or greenhouses.
- i. Public utility service yard.
- j. Retail lumberyard, including only incidental mill work.
- k. Upholstery shop.
- l. Brewery, distillery, microdistillery, microbrewery,

nanobrewery, and winery.

ARTICLE 11

LIMITED INDUSTRIAL DISTRICT - M-1

SECTION 11-1. USE REGULATIONS

11-1-8 Distribution plants, parcel delivery, ice and cold storage plant, and food commissary or catering establishment, ~~and brewery.~~ (6/12/07, Case TA-07-01, Ord. No. 2007-19)

11-1-32 Brewery, distillery, microdistillery, microbrewery, nanobrewery, and winery.

ARTICLE 12

INTENSIVE INDUSTRIAL DISTRICT - M-2

SECTION 12-1. USE REGULATIONS

12-1-13 Distribution plants, parcel delivery, ice and cold storage plant, and food commissary or catering establishment, ~~and brewery.~~ (6/12/07, Case TA-07-01, Ord. No. 2007-19)

12-1-42 Brewery, distillery, microdistillery, microbrewery, nanobrewery, and winery. Such facilities may not incorporate a restaurant as principal part of their operations.

ARTICLE 13

PLANNED DEVELOPMENT

SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC

13-2-3 USE REGULATIONS. Structures, not exceeding eight thousand (8,000) gross square feet of floor area, nor containing drive-thru facilities other than one ATM for banks and financial institutions, or land to be used shall be for one or more of the following uses:

13-2-3.17 Microdistillery and nanobrewery.

13-2-4 USES PERMITTED WITH A CONDITIONAL USE PERMIT.

13-2-4.12 Microbrewery and winery.

ARTICLE 18

GENERAL PROVISIONS

18-6-5. AMOUNT OF OFF-STREET PARKING REQUIRED.

18-6-5.1 The off-street parking required by this Article shall be provided and maintained on the basis of the following requirements specified in the following tables, except as otherwise provided in this Article: (9/12/89, Case TA-89-01, Ord. No. 022-89; 4/10/90, Case TA-89-14, Ord. No. 012-90; 7/8/97, Case TA-97-05, Ord. No. 016-97; 10/13/09, Case TA-09-89, Ord. No. 2009-27; 6/8/10, Case TA-10-111, Ord. No. 2010-19; 7/10/12, Case TA-12-187, Ord. No. 2012-20)

Table 18-6-5.1

Non-Residential Uses: Industrial Uses		
Generally		1 for each 400 sq. ft. of office space; plus 1 for each 2 employees; plus 1 for each company vehicle stored on-site
Storage or warehouse		1 for each 2,500 sq. ft. of GFA
<u>Brewery, Distillery, Microdistillery, Microbrewery, Nanobrewery, Winery</u>		<u>1 for each 2000 sq. ft.; plus 1 for each 100 sq. ft. of public floor area if tasting room included</u>

SECTION 18-25. BREWERIES AND DISTILLERIES.

For the purposes of this section the terms breweries and distilleries include all types of such facilities including Breweries, Distilleries, Microbreweries, Microdistilleries, Nanobreweries, and Wineries.

- A. All manufacturing, brewing, and/or bottling and canning associated with breweries and distilleries must occur within a fully enclosed building.
- B. Outdoor storage of materials shall only be permitted in the M-1 and M-2 districts. Such permitted outdoor storage shall meet the requirements provided in Section 18-20-5.
- C. All loading and unloading docks should be oriented away from public streets whenever feasible.

D. Any brewery or distillery providing entertainment, must meet the requirements provided for entertainment establishments in Section 18-24.

18-19-4 Permitted home occupations shall not in any event include (1/14/14, Case TA-13-493, Ord. No. 2013-41):

- Bookstores or motion picture theaters
- Animal hospitals and kennels
- Bed and breakfast homestays and boarding houses
- Massage therapy (other than strictly a home office used for record keeping)
- Motor vehicle sales, repair, equipment installation, and similar activities
- Pet Daycare, training or grooming exceeding care of more than one (1) pet at a time, excluding those of the tenant of the dwelling unit
- Private Clubs or Lodges
- Restaurants
- Tourist Homes
- Vehicle towing, demolishing, or salvaging
- **Brewery, distillery, microbrewery, microdistillery, nanobrewery, winery**

Ordinance No. 2015-26

ADOPTED by the Common Council of the City of Winchester on the 10th of November 2015.

Witness my hand and the seal of the City of Winchester, Virginia.



A handwritten signature in blue ink, reading "Kari J. Van Diest".

Kari J. Van Diest, CMC
Deputy Clerk of the Common Council